

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA	)	
Plaintiff,	)	
v.	)	
HINO MOTORS, LTD.,	)	
HINO MOTORS MANUFACTURING	)	
U.S.A., INC., and	)	
HINO MOTORS SALES U.S.A., INC.	)	
Defendants.	)	

Civil Action No.:

**UNITED STATES' NOTICE OF LODGING OF  
PROPOSED CONSENT DECREE**

Plaintiff United States of America, by and through the authority of the Attorney General of the United States and through the undersigned attorneys and acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), hereby lodges with this Court the proposed Consent Decree attached hereto as Exhibit A, pending completion of a 30-day public comment period. **The United States respectfully requests that the Court not sign the proposed Consent Decree, unless and until the United States files a motion for entry of the decree, as explained below.**

1. Together with the filing of this Notice of Lodging, the United States on behalf of EPA filed a civil complaint in this action (“U.S. Complaint”). The U.S. Complaint seeks civil penalties and injunctive relief from Defendants Hino Motors, Ltd., Hino Motors Manufacturing U.S.A., Inc., and Hino Motors Sales U.S.A., Inc. (collectively, “Defendants”) for alleged violations of Title II of the Clean Air Act, as amended, 42 U.S.C. §§ 7521-7590 (the “Act”), and the regulations promulgated thereunder, which aim to protect human health and the environment by reducing emissions of nitrogen oxides (“NOx”) and other pollutants from mobile sources of air pollution, including new engines for motor vehicles and nonroad equipment.

2. According to counsel for California, on or about the time of filing of the U.S. Complaint and this Notice of Lodging, the People of the State of California, acting by and through the California Air Resources Board (“CARB”), will file a separate complaint in this Court (the “California Complaint”), alleging related claims for civil penalties and injunctive relief against Defendants, under the Clean Air Act’s citizen-suit provisions, 42 U.S.C. § 7404(a)(1), and California laws and regulations.

3. Attached to this Notice of Lodging as Exhibit A is a proposed Consent Decree executed by the United States, CARB, and Defendants (the “Joint Consent Decree”). If approved and entered by the Court, the Joint Consent Decree would

resolve the claims against Defendants in the U.S. Complaint. The Joint Consent Decree would also partially resolve the claims against Defendants in the California Complaint.

4. Counsel for California has represented that, on or about the time of filing of the California Complaint, which we expect will be close to the time of filing of the U.S. Complaint and lodging of the Joint Consent Decree, CARB will file or lodge a separate proposed consent decree between Defendants and CARB (the “California Partial Consent Decree”). The California Partial Consent Decree, if entered, would resolve the remaining claims in the California Complaint.

5. Under Section XX (Public Participation), Paragraph 149, of the proposed Joint Consent Decree, in accordance with 28 C.F.R. § 50.7, the United States will publish a notice of lodging of the proposed Joint Consent Decree in the *Federal Register*, which will trigger the commencement of a 30-day public comment period. Under that provision, the United States reserves its right to withdraw or withhold its consent to the proposed Joint Consent Decree if public comments timely submitted disclose facts or considerations indicating that the Joint Consent Decree is inappropriate, improper, or inadequate. CARB reserves the right to withdraw or withhold its consent if the United States does so.

6. At the conclusion of the public comment period, considering any comments timely submitted, the United States will either notify the Court of its

withdrawal or withholding of consent to the proposed Joint Consent Decree or respond to comments received and file a motion seeking the Court's approval and entry of the proposed Joint Consent Decree.

7. For these reasons, **the United States respectfully requests that the Court not sign the Joint Consent Decree, unless and until the United States files a motion for entry.**

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

TODD KIM  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

January 15, 2025  
Date

s/ David Laufman Weigert  
DAVID LAUFMAN WEIGERT (IL Bar 6231385)  
Senior Counsel  
ALEXANDRA SHERERTZ (MD Licensed)  
Senior Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611, Ben Franklin Station  
Washington, DC 20044-7611  
(202) 514-0133  
david.weigert@usdoj.gov

LOCAL COUNSEL

DAWN N. ISON  
United States Attorney

KEVIN R. ERSKINE (P69120)  
ANTHONY C. GENTNER (P79535)  
Assistant United States Attorneys  
211 W. Fort Street, Suite 2001  
Detroit, Michigan 48226  
(313) 226-9778  
anthony.gentner2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of this Notice of Lodging of Proposed Consent Decree, together with the proposed Joint Consent Decree attached thereto as Exhibit A, were served by electronic mail on the following counsel for Defendants in accordance with the notice provisions of the proposed Consent Decree in this case:

MARK FINUCANE  
JENNIFER SAPERSTEIN  
NOAM KUTLER  
JACK MIZERAK  
Covington & Burling LLP

Dated: January 15, 2025

s/ David Laufman Weigert